

MINUTES OF THE MEETING
OF THE CITY COUNCIL OF THE
CITY OF BURLINGTON
August 2, 2005
7:30 P.M.

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, N. C., 27216-1358, on August 2, 2005, at 7:30 p.m.

Mayor Stephen M. Ross presided

Councilmembers present: Mayor Ross, Councilmembers Maynard, Huffman, Jones and Starling

Councilmembers absent: None

Harold Owen, City Manager, present

Robert M. Ward, City Attorney, present

Jondeen D. Terry, City Clerk, present

INVOCATION: Councilmember Don Starling

RECOGNITIONS: Robert Vaughan Register, Jr. - 2005 North Carolina Junior Amateur Golf Champion

Jerry Richardson - 2005 North Carolina Amateur Golf Champion

MINUTES

Mayor Ross called for approval of the City Council minutes of the meeting of July 19, 2005.

Upon motion by Councilmember Jones, seconded by Councilmember Starling, it was resolved unanimously to approve the minutes of the meeting held on July 19, 2005.

ADD-ON TO AGENDA: NEW BUSINESS: Resolution - Set Date for Public Hearing - Martin Marietta Annexation

Upon motion by Councilmember Jones, seconded by Councilmember Starling, it was resolved unanimously to approve the add-on.

ADOPTION OF AGENDA

Upon motion by Councilmember Maynard, seconded by Councilmember Starling, it was resolved unanimously to adopt the agenda with the above-referenced add-on.

CONSENT AGENDA:

- A) To adopt a resolution to designate the Human Resource Director and Director of Finance and Risk Management to Execute the Lincoln National 457 Deferred Compensation Plan documents.

05-19

RESOLUTION AUTHORIZING THE HUMAN RESOURCE DIRECTOR AND FINANCE AND RISK MANAGEMENT DIRECTOR TO SIGN DOCUMENTS ASSOCIATED WITH THE ADMINISTRATION OF THE LINCOLN NATIONAL 457 DEFERRED COMPENSATION PLAN ON BEHALF OF THE CITY OF BURLINGTON

WHEREAS, the City of Burlington offers the Lincoln National 457 Deferred Compensation plan to its employees as part of its employee benefit package; and,

WHEREAS, in the administration of this plan, it is often necessary for representatives of the City to execute documents authorizing employee transactions; and,

WHEREAS, Lincoln National has requested the City of Burlington to officially designate two individuals to sign all documents required to administer this plan.

NOW, BE IT THEREFORE RESOLVED BY THE GOVERNING BODY OF THE CITY OF BURLINGTON THAT the Human Resource Director and Finance and Risk Management Director are hereby designated to execute all documents required to administer the Lincoln National 457 Deferred Compensation Plan on behalf of the City of Burlington.

- B) To approve Change Order #2 for the Western Loop Sewer Outfall in the amount of \$51,822.45 that includes payment for remobilization and delays associated with the completion of the Western Loop Roadway by the North Carolina Department of Transportation and also additional sewer line construction that was not a part of the original contract.
- C) To approve the City Council work session minutes of July 18, 2005.
- D) To approve the final plat of Phase 2, Park Village Subdivision. The property is located on the southwest corner of Whitsett Park Road and Springwood Church Road as shown on plans by Alley, Williams, Carmen and King, Inc., dated March 31, 2005, and containing 33 lots.
- E) To approve the final plat of Phase 1, Section 1, of Park Place Townhomes. The property is located east of Springwood Village Road, south of Whitsett Park Road and west of Springwood Church Road as shown on plans by Alley, Williams, Carmen and King, Inc., dated July 8, 2005, and containing eight lots.
- F) To approve the final plats of Phase 1 of the Burchwood Commons Subdivision. The property is located on the southwest side of Burch Bridge Road approximately 70 feet east of the northern right-of-way line of Old Glencoe Road as shown on plans by Fleming Engineering, Inc., dated July 8, 2005, and containing 22 lots.
- G) To approve the final plats of Hanover West Industrial Park Condominiums, Phase 1, Map 1. The property is located on the north side of Hanover Road approximately 1,250 feet east of South Graham-Hopedale Road as shown on plans by Borum, Wade and Associates, P.A., dated May 3, 2005, and containing three lots.
- H) To approve the Tri-Party Agreement between the City of Burlington, the North Carolina Home Builders Association and the North Carolina Housing Finance Agency to set up the Construction Training Program.

- I) To approve an immunization agreement between the City of Burlington Kernodle Senior Center and Maxim Health Systems, LLC, to provide immunizations to eligible recipients.
- J) Budget Amendment 2006-03 - TA Operating Corporation, "TA Truck Stop" - Law Enforcement Coverage:

Increase Revenues:

10398.00	Appropriated Fund Balance	\$18,000
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Increase Expenditures:

10511.45	Contracted Services	\$18,000
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- K) Budget Amendment 2006-04 - Emergency Replacement of Ice Machine at the Police/Fire Training Center:

BA2006-04

Increase Revenues:

10398.00	Appropriated Fund Balance	\$3,500
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Increase Expenditures:

10537.74	Equipment	\$3,500
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Upon motion by Councilmember Huffman, seconded by Councilmember Starling, it was resolved unanimously to approve the foregoing consent agenda.

PUBLIC HEARINGS:

2005 GENERAL OBLIGATION BOND REFERENDUM AND ADVANCE
REFUNDING OF 2000 SERIES GENERAL OBLIGATION BONDS

Mayor Ross announced that a public hearing had been scheduled to consider the following actions related to the 2005 General Obligation Bond Referendum and Advance Refunding of 2000 Series General Obligation Bonds:

- Conduct the public hearing set at the July 19th meeting. The questions to the public are for hearing anyone who might desire to speak on the validity of the bond orders or the advisability of issuing the bonds.

Mayor Ross opened the public hearing and recognized Mr. Gary Hicks, Public Works Director.

Mr. Hicks clarified that there were two issuances - \$9,300,000 for street improvements and \$18,000,000 for bond refunding. He reported the street improvements would consist of resurfacing, patching, crack pouring, handicapped ramps, crosswalk improvements Downtown, curb and gutter repairs, dirt streets, sidewalks repair and improvements and culvert work. He pointed out the funds will be expended over a three-year period. He stated that the City Council's vote was to allow the residents the opportunity to make the determination as to whether they think street improvements would be right or wrong.

Mr. Celo Faucette stated that he hoped that in the future the City Council would budget money for street resurfacing rather than having to increase taxes. He commented that people cannot afford a tax increase due to the economy in Alamance County. Mr. Faucette also stated that the City was doing the right thing by allowing the public to make the decision.

Finance and Risk Management Director Linda Hollifield stated that the debt service on the bonds would be approximately \$821,000 the first year, \$808,000 the second year and \$789,000 the third year. She explained that a \$.02 tax increase was proposed to be voted by residents Burlington but that it would not pay the entire debt service, that other General Fund revenues would be used to pay the remaining debt service.

Councilmember Jones asked about the projected savings, and Ms. Hollifield replied that the original projected savings was over \$600,000 but that the rates had changed and the projected savings was now approximately \$500,000. She pointed out that it was bid through the Local Government Commission and if the rate did not reflect a certain level of savings, the refinancing would not be done.

Upon motion by Councilmember Starling, seconded by Councilmember Jones, it was resolved unanimously to close the public hearing.

Mayor Ross read the following:

A regular meeting of the City Council of the City of Burlington, North Carolina was held in the Council Chambers of the Municipal Building in Burlington, North Carolina, the regular place of meeting, at 7:30 p.m. on August 2, 2005.

Present: Mayor Stephen M. Ross, presiding, and Council Members

Maynard, Huffman, Jones and Starling

Absent: None

Also present: City Manager Owen, City Attorney Ward, City Clerk Terry
and Director of Finance and Risk Management Hollifield

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Mayor Ross announced that this was the hour and day fixed by the City Council for the public hearing upon the orders entitled "ORDER AUTHORIZING \$9,300,000 STREET AND SIDEWALK BONDS" and "ORDER AUTHORIZING \$18,000,000 GENERAL OBLIGATION REFUNDING BONDS" and that the City Council would immediately hear anyone who might wish to be heard on the questions of the validity of said orders or the advisability of issuing said bonds.

No one appeared, either in person or by attorney, to be heard on the questions of the validity of said orders or the advisability of issuing said bonds and the City Clerk announced that no written statement relating to said questions had been received except as set forth in Exhibit A attached hereto.

Thereupon, upon motion of Council Member Jones, seconded by Council Member Maynard, the order introduced and passed on first reading on July 19, 2005 entitled "ORDER AUTHORIZING \$9,300,000 STREET AND SIDEWALK BONDS" was read a second time and placed upon its final passage. The vote upon the final passage of said order was:

Ayes: Mayor Ross, Council Members Maynard, Huffman, Jones and Starling

Noes: None

Mayor Ross then announced that the order entitled "ORDER AUTHORIZING \$9,300,000 STREET AND SIDEWALK BONDS" had been adopted.

Thereupon, upon motion of Council Member Jones, seconded by Council Member Maynard, the order introduced and passed on first reading on July 19, 2005 entitled "ORDER AUTHORIZING \$18,000,000 GENERAL OBLIGATION REFUNDING BONDS" was read a second time and placed upon its final passage. The vote upon the final passage of said order was:

Ayes: Mayor Ross, City Council Members Maynard, Huffman, Jones and Starling

Noes: None

Mayor Ross then announced that the order entitled "ORDER AUTHORIZING \$18,000,000 GENERAL OBLIGATION REFUNDING BONDS" had been adopted.

The City Clerk was thereupon directed to publish said orders, together with the appended statement as required by The Local Government Bond Act, as amended, once in the Times-News.

Thereupon, Mayor Ross introduced the following resolution the title of which was read and copies of which had been previously distributed to each Council Member:

05-20

RESOLUTION CALLING FOR A BOND REFERENDUM

BE IT RESOLVED by the City Council of the City of Burlington, North Carolina (the "City"):

Section 1. A bond referendum is hereby called to be held between 6:30 a.m. and 7:30 p.m., on Tuesday, November 8, 2005, at which there shall be submitted to the qualified voters of the City the question stated in the form of ballot set forth in Section 4 of this resolution.

Section 2. For said referendum, (a) the registration records for elections in the City shall be used, and the registration records shall be open for the registration of qualified persons and for public inspection in the manner, under the conditions and at the times and places provided by the Alamance County Board of Elections, (b) the chief judges, judges and assistants appointed by the Alamance County Board of Elections for the several precincts and voting places in the City shall be the precinct officers for such precincts and voting places and (c) the precincts and voting places shall be that fixed by the Alamance County Board of Elections, subject to change as provided by law. The Alamance County Board of Elections is hereby

requested to conduct said referendum in the City and to take all necessary steps to that end in accordance with the provisions of this Section.

Section 3. The City Clerk shall cause a notice to be published in the Times-News once at least fourteen days before October 14, 2005 (being the 25th day prior to said referendum), and once again not less than seven days before said day, such notice to read substantially as follows:

**NOTICE OF BOND REFERENDUM
CITY OF BURLINGTON, NORTH CAROLINA**

A bond referendum will be held in the City of Burlington, North Carolina on Tuesday, November 8, 2005 regarding approval of not to exceed \$9,300,000 STREET AND SIDEWALK BONDS of said City. The proceeds of said street and sidewalk bonds would be used for constructing, extending, widening and improving streets and sidewalks of said City, inside and outside its corporate limits, all as set forth in the bond order adopted by the City Council of said City on August 2, 2005. If said street and sidewalk bonds are issued, taxes in an amount sufficient to pay the principal and interest thereof may be levied upon all taxable property in the City of Burlington.

The referendum will be conducted by the Alamance County Board of Elections. The last day for new registration of those not now registered to vote is Friday, October 14, 2005. For further information and questions regarding said referendum, voter registration, procedures for those residents who have changed residences from the date of the last election, voting by absentee ballot, one stop voting and polling places, please contact the Alamance County Board of Elections, 115 South Maple Street, Graham, North Carolina 27253, (336) 570-6755.

The Alamance County Board of Elections' website is <http://www.alamance-nc.com/Alamance-NC/Departments/boe/>.

**N. Madison Wall, II
Chairman, Alamance County Board of
Elections**

**Jondeen D. Terry
City Clerk, City of Burlington, North
Carolina**

Section 4. The form of the ballot to be used at said referendum shall be substantially as follows:

**OFFICIAL BALLOT
BOND REFERENDUM
CITY OF BURLINGTON, NORTH CAROLINA**

November 8, 2005

Instructions

- a. To vote **IN FAVOR OF THE ORDER**, complete the arrow at the right of the word **“YES.”**
- b. To vote **AGAINST THE ORDER**, complete the arrow at the right of the word **“NO.”**
- c. If you tear or deface or wrongly mark this ballot, return it and get another.
- d. Use only the pen or pencil provided.

Shall the order adopted on August 2, 2005, authorizing not exceeding \$9,300,000 STREET AND SIDEWALK BONDS of the City of Burlington, North Carolina for the purpose of providing funds, together with any other available funds, for constructing, extending, widening and improving streets and sidewalks of said City, inside and outside its corporate limits, including, without limitation, curbs, gutters, culverts, drains, traffic controls and signals, markers and related equipment and the acquisition of related land and rights of way, be approved?

YES []

NO []

**[Facsimile of signature]
Chairman of the Alamance County
Board of Elections**

Note: Language on the ballot should be revised as necessary to reflect the method of voting used by the Alamance County Board of Elections.

Section 5. The City Clerk is hereby directed to mail or deliver a certified copy of this resolution to the Alamance County Board of Elections within three days after the adoption hereof.

Section 6. This resolution shall take effect upon its passage.

Thereupon, upon motion of Council Member Huffman, seconded by Councilmember Starling, the foregoing resolution entitled "RESOLUTION CALLING A BOND REFERENDUM" was passed by the following vote:

Ayes: Mayor Ross and Council Members Maynard, Huffman, Jones and

Starling

Noes: None

* * * * *

I, Jondeen D. Terry, CMC, City Clerk of the City of Burlington, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council of said City at a regular meeting held on August 2, 2005, as it relates in any way to the holding of a public hearing, the adoption of bond orders authorizing bonds of said City and the calling of a bond referendum upon the order authorizing street and sidewalk bonds and that said proceedings are recorded in the minutes of said City Council.

I DO HEREBY FURTHER CERTIFY that a schedule, stating that the regular meetings of said City Council are held on the first Tuesday of each month at 7:30 p.m. and on the third Tuesday of each month at 9:00 a.m. in the Council Chambers of the Municipal Building in Burlington, North Carolina, was on file with me for a least seven calendar days prior to said meeting, all in accordance with G.S. 143-318.2.

I DO HEREBY FURTHER CERTIFY that I mailed or delivered a certified copy of the resolution passed on August 2, 2005 entitled: "RESOLUTION CALLING A BOND REFERENDUM" to the Alamance County Board of Elections on or before the third day following the passage of said resolution.

EXHIBIT A

(A list of any persons making comments and a summary of such comments to be attached.)

Mr. Celo Faucette stated that he hoped that in the future the City Council would budget money for streets rather than having to increase taxes. He commented that people could not afford a tax increase due to the economy in Alamance County. Mr. Faucette also stated that the City was doing right by allowing the public to make the decision.

ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT

Mayor Ross announced that a public hearing had been scheduled to consider an Economic Development Incentive Agreement. He stated that the applicant requested that the public hearing be delayed, and that pursuant to this request, Notice of Cancellation of Public Hearing was published on July 22, 2005, in the Times-News.

City Attorney stated that no action was required since the notice of cancellation of the public hearing was published and that was sufficient and that the City Council should acknowledge that when the next request was received there would be another separate request to hold the public hearing on the agreement.

NEW BUSINESS:

PERMIT TO CONDUCT STREET PREACHING - MR. ROBERT SCOTT

Mayor Ross announced that Mr. Robert Scott had requested a permit to conduct street preaching in the City of Burlington.

Mr. Scott requested approval of the permit.

Upon motion by Councilmember Huffman, seconded by Councilmember Maynard, it was resolved unanimously to grant the street-preaching permit for Mr. Robert Scott, effective for one year.

REQUEST FOR SANITARY SEWER SERVICE - RESIDENTIAL SUBDIVISION SOUTH OF GRAHAM

Mayor Ross announced that the City Council had been scheduled to consider approval of a sewer connection that will allow Forbes Development Company to develop a low-density residential subdivision on a 57-acre tract of land south of Great Alamance Creek and Graham's ETJ. Mr. Mackovic asked that the City's requirement that a development be located within a municipal ETJ be waived for his proposed subdivision along NC Highway 87, south of Graham.

Mayor Ross announced that the petitioner had withdrawn the request.

Upon motion by Huffman, seconded by Councilmember Starling, it was resolved unanimously to allow the petitioners to withdraw the request.

ADOPT RESOLUTION - FIXING A DATE OF PUBLIC HEARING -
MARTIN MARIETTA ANNEXATION

Mayor Ross announced that the City Council would consider adoption of a resolution fixing a date of public hearing for August 16, 2005, for the Martin Marietta annexation pursuant to North Carolina General Statute 160A-58.2.

Upon motion by Councilmember Huffman, seconded by Councilmember Starling, it was resolved unanimously to allow Councilmember Jones to abstain from voting.

Councilmember Huffman moved the adoption of the following resolution:

05-21

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF
MARTIN MARIETTA ANNEXATION PURSUANT TO NORTH CAROLINA
GENERAL STATUTES 160A-58.2

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and,

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Burlington, North Carolina, that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Municipal Building at 9:00 a.m. on August 16, 2005.

Section 2. The proposed annexation is described as follows:

A certain tract or parcel of land in Boone Station Township, Alamance County, North Carolina, bound on the north by property now or formerly owned by John A. Moody, George Moody, Kirkpatrick and Associates and others; bound on the east by property now or formerly owned by Blondie Greeson, Clarence Sharpe, Bessie Shelton, James Isley, Mary A. Dodson and others; bound on the south by property now or formerly owned by R. L. Harvey, III, Harold Harvey, Greeson Family Limited Partnership and others; and bound on the west by the existing City of Burlington Corporate Limits and property now or formerly owned by Great Alamance Associates, James F. Payne, Raymond E. Payne, Edith P. Conklin and others and being more particularly described as follows:

BEGINNING at a rock, said rock being a corner in the existing City of Burlington Corporate Limits and a common corner with Great Alamance Associates and James F. Payne and running thence from said beginning point with the new corporate limits line and the line of James F. Payne north 22 deg. 56' 41" east 478.02 feet to an axle, a corner with Raymond E. Payne; thence with the new corporate limits line and the line of Raymond E. Payne north 22 deg. 55' 32" east 400.17 feet to an iron stake, a corner with Edith P. Conklin; thence with the new corporate limits and the line of said Conklin north 22 deg. 56' 25" east 300.15 feet to a marked 30-inch oak and a corner with John A. Moody; thence with the new corporate limits and the line of said Moody south 44 deg. 13' 22" east 248.99 feet to a rock, a corner with said Moody; thence with the new corporate limits line and the line of John D. Moody and continuing with George Moody, south 89 deg. 01' 50" east 680.31 feet to an iron stake, a corner with John A. Moody; thence with the new City of Burlington Corporate Limits line and the line of John D. Moody the following courses and distances: south 58 deg. 55' 03" east 868.62 feet to an iron stake; thence south 58 deg. 50' 23" east 213.59 feet to an iron stake; thence north 83 deg. 07' 45" east 311.91 feet to an iron stake; thence north 15 deg. 25' 26" east 341.07 feet to an iron stake; thence north 85 deg. 52' 33" east 1056.00 feet to a corner with Kirkpatrick and Associates in a creek; thence with the new corporate limits line and the line of Kirkpatrick and Associates the following courses and distances: south 16 deg. 50' 00" east 299.14 feet to a point; thence south 29 deg. 13' 09" west 157.45 feet to a point; thence south 16 deg. 49' 10" west 29.04 feet to a

point; thence south 2 deg. 42' 52" east 62.72 feet to a point; thence south 65 deg. 54' 45" east 356.74 feet to a point; thence north 82 deg. 08' 47" east 501.94 feet to an iron stake in the line of Blondie Greeson; thence with the new corporate limits and the line of the said Greeson, south 1 deg. 18' 29" west 477.70 feet to an iron stake; thence south 88 deg. 45' 25" east 315.57 feet to an iron stake in the west right-of-way line of Huffman Mill Road that is a control corner having N.C. Grid Coordinates north=839,275.51 and east=1,849,947.65; thence with the new corporate limits line across Huffman Mill Road and continuing with the line of Clarence Sharpe south 89 deg. 28' 07" east 695.99 feet to an iron stake, a corner with Bessie Shelton; thence with the new corporate limits line and the line of said Shelton and continuing with the line of James Isley south 3 deg. 24' 57" west 1323.25 feet to an iron stake, a corner with James Isley in the line of Bessie Shelton; thence with the new City of Burlington Corporate Limits line and the line of Bessie Shelton north 88 deg. 48' 55" west 625.57 feet to an iron stake; thence south 0 deg. 17' 06" west 726.01 feet to an iron stake, a corner with Mary Dodson; thence with the new corporate limits line and the line of Mary Dodson the following courses and distances: south 44 deg. 43' 55" west 907.28 feet to an iron stake; thence south 19 deg. 38' 06" west 363.28 feet to a stone corner; thence south 09 deg. 09' 55" west 869.34 feet to a corner with R. L. Harvey, III, located in the creek; thence with the new corporate limits line and the line of said Harvey the following courses and distances: north 51 deg. 15' 36" west 193.75 feet to a point in the creek; thence north 9 deg. 56' 54" west 305.60 feet to a point in the creek; thence north 13 deg. 11' 54" west 242.60 feet to a point in the creek; thence north 9 deg. 48' 06" east 144.24 feet to a point in the creek; thence leaving the creek north 89 deg. 32' 41" west 1413.49 feet to a spike in the center of Huffman Mill Road, a common corner with R. L. Harvey, III, Harold Harvey and Greeson Family Limited Partnership; thence with the new corporate limits line and the line of Greeson Family Limited Partnership the following courses and distances: north 89 deg. 32' 41" west 322.40 feet to an iron stake; thence north 14 deg. 03' 47" east 413.41 feet to an iron stake; thence north 40 deg. 46' 20" west 559.42 feet to an iron stake; thence north 67 deg. 35' 13" west 265.13 feet to an iron stake; thence north 82 deg. 57' 25" west 700.00 feet to an iron stake; thence north 18 deg. 39' 54" west 1096.57 feet to an axle; thence north 3 deg. 23' 49" east 116.49

feet to a point in the creek; thence north 57 deg. 39' 20" west 165.24 feet to a point in the creek; thence north 71 deg. 30' 30" west 250.09 feet to a point in the creek, said point being in the line of Great Alamance Associates and the existing City of Burlington Corporate Limits; thence with the existing City of Burlington Corporate Limits line and the line of Great Alamance Associates north 1 deg. 02' 21" west 1033.89 feet to the point of BEGINNING and containing 387.15 acres (0.6049 square miles) and being as shown on a survey by Whitt Lane Surveying, P.C., entitled *Annexation Plat of Martin Marietta Materials Burlington Quarry for City of Burlington* dated April 1, 2005.

Section 3. Notice of the public hearing shall be published in *The Times-News*, a newspaper having general circulation in the City of Burlington, at least ten days prior to the date of public hearing.

The foregoing resolution was seconded by Councilmember Starling, and it was passed unanimously. Councilmember Jones abstained from voting.

STAFF REPORT:

RECYCLING

Public Works Director Gary Hicks gave a presentation on the City of Burlington's recycling program.

ADJOURN:

Upon motion by Councilmember Jones, seconded by Councilmember Starling, it was resolved unanimously to adjourn.

Jondeen D. Terry
City Clerk